

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Nigeria Lee Harvey,

Case No. 19-CV-2271 (NEB/HB)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

City of Minneapolis; Hennepin County;  
Minneapolis Police Department; Chris  
Green IV; Twila Villella; Holly Keegel;  
Kristopher Kramer; Micheal Primozech;  
Melinda Olson; Jamiel Mohammed; Pete  
Fahnhorst; and Jessica Neisen,

Defendants.

---

In an Order dated September 4, 2019, this Court directed Plaintiff Nigeria Lee Harvey to pay an initial partial filing fee of at least \$36.83. (Order at 3 (citing 28 U.S.C. § 1915(b)) [Doc. No. 4].) Harvey was given 20 days to pay this initial partial filing fee, failing which the Court would recommend that this action be dismissed without prejudice for failure to prosecute. (*Id.* at 4 (citing Fed. R. Civ. P. 41(b)).) That deadline has now passed, and Harvey has not paid the initial partial filing fee for this matter. In fact, Harvey has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with its prior Order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a

plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.'').

Based upon the foregoing, and on all of the files, records, and proceedings herein,  
**IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT  
PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: October 2, 2019

s/ Hildy Bowbeer

Hildy Bowbeer

United States Magistrate Judge

**NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).